IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.7229 OF 2005

Diwakar Sarpotdar .. ..Petitioner

Versus

Indubai Dattatray Errum & Ors. .. ..Respondents

Mr.P.S.Dani for petitioner

Mr.V.G.Muzumdar for respondents

CORAM : P.V.KAKADE, J.

DATE : 18TH JANUARY 2006.

P.C.:

1. Heard the learned counsel for the petitioner as well as for the respondents.

2. The petitioner has preferred this petition against the judgment and order passed by Addl. District Judge, Pune dismissing his appeal and confirming the judgment and order passed by Addl. Judge, Small Causes Court, Pune dated 28.6.2004 in Civil Suit No.781 of 1997 holding that the landlord had proved that the defendant no.1A was

defaulter in payment of rent. It was further held that the suit premises was required by the landlord reasonably and bonafide and further the petitioner had acquired suitable residential accommodation for his use and therefore, the consequential findings also was recorded that the greater hardship will be caused to the respondent-plaintiff if the decree is not passed and on such and other grounds the order of the small causes court came to be confirmed and appeal was dismissed. On perusal of the judgment of both the courts below I am satisfied that the reasoning adopted and findings recorded by both the courts below appears to be just and reasonable based on legal aspect and therefore, those would brook no interference. The evidence on record is conclusive to the effect that the petitioner is defaulter in payment of rent and has acquired suitable accommodation for his own use. Moreover, it is also finding to the effect that the premises is required reasonably and bonafide is also based upon the proved facts on record and therefore, the order would brook no interference.

. In the result the petition has no merits and therefore, stands dismissed in limine with no order as to costs.

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